THE HON'BLE MR JUSTICE G. CHANDRAIAH

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WRIT PETITION NO : 15550 of 2005

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Dated: 19.08.2005

Between:

Sri Syed Ale Hasan, s/o late Sri Syed Shah Abdul Qyuder,
R/o 5-1-611/1, Troop Bazar, Hyderabad.

..... PETITIONER

AND

The Secretary, A.P.Wakf Board, Haz House, Nampally, Hyderabad.

.....RESPONDENT

ORDER:

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Heard learned counsel for the petitioner and also the learned Standing Counsel appearing for the respondent-Wakf Board.

This writ petition is filed to issue a writ of mandamus declaring the inaction of the respondent in considering the representation of the petitioner dated 02.03.2005 for appointing him as Muthavali of Gousia Mosque situated near the premises bearing No.8-2-284/1/1 at Road No.14, Banjara Hills, Hyderabad as illegal and consequently direct the respondent to forthwith consider the representation of the petitioner and pass appropriate orders.

The case of the petitioner is that his father late Syed Shah Abdul Quader was the pattadar of land in S.No.129/55 (old) 165 (new) admeasuring Ac.3.26 guntas situated at Road Nos.14 and 3, Banjara Hills Sivar, Shaikpet village, Hyderabad. During his life time, he had transferred the above said land by virtue of a registered Settlement Deed dated 15.09.1938 in favour of petitioner's mother by name Smt.Fathima Soghra. As such, the petitioner's mother has become the owner of the

entire extent of land. Later on the petitioner's mother expired leaving behind the petitioner, his brother late Sri.Syed Ali Moosa Raza and sister Smt.Tara Begum as her legal heirs. During the life time of the petitioner's mother, a portion of the above mentioned land was donated for construction of a Masjid and accordingly, a Masjid was constructed on the said land, which is in an extent of 300 square yards and the Masjid is known as Gousia Mosque. The said Mosque has been notified in A.P.Gazette dated 30.08.1984. Accordingly, a formal Managing Committee was constituted to look into the affairs of the Mosque. After the death of petitioner's mother, the petitioner, being the only surviving son of late Sri Syed Shah Abdul Quader and late Smt.Fathima Soghra and with pious intention of improving the Management of the Gousia Mosque, gave a representation to the respondent on 17.10.1997 requesting to appoint him as Muthavalli of the said Mosque by enclosing documents necessary for consideration of his representation i.e., Settlement Deed, Khasra Pahani, and Vasool Baqui, but the respondent has not considered the same. It is the further case of the petitioner that subsequent to the above representation, he made another representation dated 02.03.2005 to the respondent requesting to appoint him as a Muthavalli of the said Mosque, but no order has been passed by the respondent till now. Hence this writ petition.

The respondent has filed a counter-affidavit denying the allegations made in the affidavit filed in support of this writ petition.

Learned Standing Counsel appearing for the respondent-Wakf Board submitted that pursuant to the representation of the petitioner dated 17.10.1997, the respondent-Board issued a memo dated 10.02.2004 asking the petitioner to furnish certain information for the purpose of considering his representation, but the petitioner failed to furnish the same.

However, learned counsel for the petitioner submitted that in the said memo the respondent had sought for the information which is not in the purview or control of the petitioner and therefore, he could not furnish the said information.

Therefore, without going into the merits of the case I am of the view that as admittedly the representations made by the petitioner are pending for consideration before the respondent and the respondent sought certain information from the petitioner, it is for the petitioner to furnish the information which is under his purview for considering his representations. Therefore, it is open to the petitioner to furnish

the information required under the Memo dated 10.02.2004 within a period of two weeks from the date of receipt of a copy of this order and within four weeks thereafter, the respondent shall consider the representation of the petitioner made for appointing him as Muthavalli of Gousia Mosque, in accordance with law and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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19.08.2005

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